

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JASON ALTHEIDE,

Plaintiff,

v.

WARDEN WILLIAM GITTERE, *et al.*,

Defendants.

Case No. 3:21-cv-00496-MMD-CLB

ORDER

Pro se Plaintiff Jason Altheide filed two applications to proceed *in forma pauperis* (“IFP Application”) and submitted a civil-rights complaint under 42 U.S.C. § 1983 that he amended once and sought to amend again. (ECF Nos. 1, 1-1, 3, 3-1, 4.) Altheide also filed four motions seeking various relief from the Court. (ECF Nos. 5, 6, 7, 8.) And most recently, Altheide moved to voluntarily dismiss this action, stating that his claims are better suited to state court. (ECF No. 9.)

Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Altheide’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice and denies as moot Altheide’s IFP Application, which means that Altheide will not be required to pay the filing fee.

It is therefore ordered that Altheide’s motion for voluntary dismissal (ECF No. 9) is granted.

It is further ordered that Altheide’s applications to proceed *in forma pauperis* (ECF

Nos. 1, 3) are denied as moot.

It is further ordered that this action is dismissed in its entirety without prejudice.

It is further ordered that Altheide's motions for various relief (ECF Nos. 5, 6, 7, 8) are denied as moot.

The Clerk of Court is directed to close this case and enter judgment accordingly. No more documents may be filed in this now-closed case.

DATED THIS 1st Day of February 2022.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE